

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2629

57th Legislature
2002 Regular Session

Passed by the House February 19, 2002
Yeas 59 Nays 38

**Speaker of the House of
Representatives**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of
the House of Representatives of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE HOUSE BILL 2629 as
passed by the House of
Representatives and the Senate on
the dates hereon set forth.

Passed by the Senate March 6, 2002
Yeas 29 Nays 17

President of the Senate

Approved

Governor of the State of Washington

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2629

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

By House Committee on Commerce & Labor (originally sponsored by
Representatives Wood, Conway, Kenney, Dickerson and Lysen)

Read first time 02/08/2002. Referred to Committee on .

1 AN ACT Relating to licensing elevator contractors and mechanics;
2 amending RCW 70.87.010, 70.87.020, 70.87.030, 70.87.050, 70.87.100,
3 70.87.125, 70.87.145, 70.87.170, and 70.87.180; adding new sections to
4 chapter 70.87 RCW; and prescribing penalties.

5

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7

8 **Sec. 1.** RCW 70.87.010 and 1998 c 137 s 1 are each amended to read
9 as follows:

10 For the purposes of this chapter, except where a different
11 interpretation is required by the context:

12 (1) "Owner" means any person having title to or control of a
13 conveyance, as guardian, trustee, lessee, or otherwise;

14 (2) "Conveyance" means an elevator, escalator, dumbwaiter, belt
15 manlift, automobile parking elevator, moving walk, and other elevating
16 devices, as defined in this section;

17 (3) "Existing installations" means ~~((all conveyances for which~~
18 ~~plans were completed and accepted by the owner, or for which the plans~~
19 ~~and specifications have been filed with and approved by the department~~
20 ~~before June 13, 1963, and work on the erection of which was begun not~~
21 ~~more than twelve months thereafter))~~ an installation defined as an

1 "installation, existing" in this chapter or in rules adopted under this
2 chapter;

3 (4) "Elevator" means a hoisting or lowering machine equipped with a
4 car or platform that moves in guides and serves two or more floors or
5 landings of a building or structure;

6 (a) "Passenger elevator" means an elevator (i) on which passengers
7 are permitted to ride and (ii) that may be used to carry freight or
8 materials when the load carried does not exceed the capacity of the
9 elevator;

10 (b) "Freight elevator" means an elevator (i) used primarily for
11 carrying freight and (ii) on which only the operator, the persons
12 necessary for loading and unloading, and other employees approved by
13 the department are permitted to ride;

14 (c) "Sidewalk elevator" means a freight elevator that: (i)
15 Operates between a sidewalk or other area outside the building and
16 floor levels inside the building below the outside area, (ii) has no
17 landing opening into the building at its upper limit of travel, and
18 (iii) is not used to carry automobiles;

19 (d) "Hand elevator" means an elevator utilizing manual energy to
20 move the car;

21 (e) "Inclined elevator" means an elevator that travels at an angle
22 of inclination of seventy degrees or less from the horizontal;

23 (f) "Multideck elevator" means an elevator having two or more
24 compartments located one immediately above the other;

25 (g) "Observation elevator" means an elevator designed to permit
26 exterior viewing by passengers while the car is traveling;

27 (h) "Power elevator" means an elevator utilizing energy other than
28 gravitational or manual to move the car;

29 (i) "Electric elevator" means an elevator where the energy is
30 applied by means of an electric driving machine;

31 (j) "Hydraulic elevator" means an elevator where the energy is
32 applied by means of a liquid under pressure in a cylinder equipped with
33 a plunger or piston;

34 (k) "Direct-plunger hydraulic elevator" means a hydraulic elevator
35 having a plunger or cylinder directly attached to the car frame or
36 platform;

37 (l) "Electro-hydraulic elevator" means a direct-plunger elevator
38 where liquid is pumped under pressure directly into the cylinder by a
39 pump driven by an electric motor;

1 (m) "Maintained-pressure hydraulic elevator" means a direct-plunger
2 elevator where liquid under pressure is available at all times for
3 transfer into the cylinder;

4 (n) "Roped hydraulic elevator" means a hydraulic elevator having
5 its plunger or piston connected to the car with wire ropes or
6 indirectly coupled to the car by means of wire ropes and sheaves;

7 (o) "Rack and pinion elevator" means a power elevator, with or
8 without a counterweight, that is supported, raised, and lowered by a
9 motor or motors that drive a pinion or pinions on a stationary rack
10 mounted in the hoistway;

11 (p) "Screw column elevator" means a power elevator having an
12 uncounterweighted car that is supported, raised, and lowered by means
13 of a screw thread;

14 (q) "Rooftop elevator" means a power passenger or freight elevator
15 that operates between a landing at roof level and one landing below and
16 opens onto the exterior roof level of a building through a horizontal
17 opening;

18 (r) "Special purpose personnel elevator" means an elevator that is
19 limited in size, capacity, and speed, and permanently installed in
20 structures such as grain elevators, radio antenna, bridge towers,
21 underground facilities, dams, power plants, and similar structures to
22 provide vertical transportation of authorized personnel and their tools
23 and equipment only;

24 (s) "Workmen's construction elevator" means an elevator that is not
25 part of the permanent structure of a building and is used to raise and
26 lower workers and other persons connected with, or related to, the
27 building project;

28 (t) "Boat launching elevator" means an elevator, as defined by
29 subsections (2) and (4) of this section, that serves a boat launching
30 structure and a beach or water surface and is used for the carrying or
31 handling of boats in which people ride;

32 (u) "Limited-use/limited-application elevator" means a power
33 passenger elevator where the use and application is limited by size,
34 capacity, speed, and rise, intended principally to provide vertical
35 transportation for people with physical disabilities;

36 (5) "Escalator" means a power-driven, inclined, continuous stairway
37 used for raising and lowering passengers;

38 (6) "Dumbwaiter" means a hoisting and lowering mechanism equipped
39 with a car (a) that moves in guides in a substantially vertical

1 direction, (b) the floor area of which does not exceed nine square
2 feet, (c) the inside height of which does not exceed four feet, (d) the
3 capacity of which does not exceed five hundred pounds, and (e) that is
4 used exclusively for carrying materials;

5 (7) "Automobile parking elevator" means an elevator: (a) Located
6 in either a stationary or horizontally moving hoistway; (b) used
7 exclusively for parking automobiles where, during the parking process,
8 each automobile is moved either under its own power or by means of a
9 power-driven transfer device onto and off the elevator directly into
10 parking spaces or cubicles in line with the elevator; and (c) in which
11 no persons are normally stationed on any level except the receiving
12 level;

13 (8) "Moving walk" means a passenger carrying device (a) on which
14 passengers stand or walk and (b) on which the passenger carrying
15 surface remains parallel to its direction of motion;

16 (9) "Belt manlift" means a power driven endless belt provided with
17 steps or platforms and a hand hold for the transportation of personnel
18 from floor to floor;

19 (10) "Department" means the department of labor and industries;

20 (11) "Director" means the director of the department or his or her
21 representative;

22 (12) "Inspector" means an elevator inspector of the department or
23 an elevator inspector of a municipality having in effect an elevator
24 ordinance pursuant to RCW 70.87.200;

25 (13) "Permit" means a permit issued by the department to construct,
26 install, or operate a conveyance;

27 (14) "Person" means this state, a political subdivision, any public
28 or private corporation, any firm, or any other entity as well as an
29 individual;

30 (15) "One-man capacity manlift" means a single passenger, hand-
31 powered counterweighted device, or electric-powered device, that
32 travels vertically in guides and serves two or more landings;

33 (16) "Private residence conveyance" means a conveyance installed in
34 or on the premises of a single-family dwelling and operated for
35 transporting persons or property from one elevation to another;

36 (17) "Material hoist" means a hoist that is not a part of a
37 permanent structure used to raise or lower materials during
38 construction, alteration, or demolition. It is not applicable to the
39 temporary use of permanently installed personnel elevators as material

1 (~~(hoist[s])~~) hoists;

2 (18) "Material lift" means a lift that (a) is permanently
3 installed, (b) is comprised of a car or platform that moves in guides,
4 (c) serves two or more floors or landings, (d) travels in a vertical or
5 inclined position, (e) is an isolated, self-contained lift, (f) is not
6 part of a conveying system, and (g) is installed in a commercial or
7 industrial area not accessible to the general public or intended to be
8 operated by the general public;

9 (19) "Casket lift" means a lift that (a) is installed at a
10 mortuary, (b) is designed exclusively for carrying of caskets, (c)
11 moves in guides in a basically vertical direction, and (d) serves two
12 or more floors or landings;

13 (20) "Wheelchair lift" means a lift that travels in a vertical or
14 inclined direction and is designed for use by physically handicapped
15 persons;

16 (21) "Stairway chair lift" means a lift that travels in a basically
17 inclined direction and is designed for use by physically handicapped
18 persons;

19 (22) "Personnel hoist" means a hoist that is not a part of a
20 permanent structure, is installed inside or outside buildings during
21 construction, alteration, or demolition, and used to raise or lower
22 workers and other persons connected with, or related to, the building
23 project. The hoist may also be used for transportation of materials;

24 (23) "Advisory committee" means the elevator advisory committee as
25 described in this chapter;

26 (24) "Elevator helper/apprentice" means a person who works under
27 the general direction of a licensed elevator mechanic. A license is
28 not required to be an elevator helper/apprentice;

29 (25) "Elevator mechanic" means any person who possesses an elevator
30 mechanic license in accordance with this chapter and who is engaged in
31 erecting, constructing, installing, altering, serving, repairing, or
32 maintaining elevators or related conveyances covered by this chapter;

33 (26) "License" means a written license, duly issued by the
34 department, authorizing a person, firm, or company to carry on the
35 business of erecting, constructing, installing, altering, servicing,
36 repairing, or maintaining elevators or related conveyances covered by
37 this chapter;

38 (27) "Elevator contractor license" means a license that is issued
39 to an elevator contractor who has met the qualification requirements

1 established in section 12 of this act;

2 (28) "Elevator mechanic license" means a license that is issued to
3 a person who has met the qualification requirements established in
4 section 12 of this act;

5 (29) "Licensee" means the elevator mechanic or elevator contractor.

6
7 **Sec. 2.** RCW 70.87.020 and 1983 c 123 s 2 are each amended to read
8 as follows:

9 (1) The purpose of this chapter is to provide for safety of life
10 and limb, to promote safety awareness, and to ensure the safe, design,
11 mechanical and electrical operation, erection, installation,
12 alteration, maintenance, inspection, and repair of conveyances, and all
13 such operation, erection, installation, alteration, inspection, and
14 repair subject to the provisions of this chapter shall be reasonably
15 safe to persons and property and in conformity with the provisions of
16 this chapter and the applicable statutes of the state of Washington,
17 and all orders, and rules((, and regulations)) of the department. The
18 use of unsafe and defective lifting devices imposes a substantial
19 probability of serious and preventable injury to employees and the
20 public exposed to unsafe conditions. The prevention of these injuries
21 and protection of employees and the public from unsafe conditions is in
22 the best interest of the people of this state. Elevator personnel
23 performing work covered by this chapter must, by documented training or
24 experience or both, be familiar with the operation and safety functions
25 of the components and equipment. Training and experience must include,
26 but not be limited to, recognizing the safety hazards and performing
27 the procedures to which they are assigned in conformance with the
28 requirements of the chapter. This chapter establishes the minimum
29 standards for elevator personnel.

30 (2) This chapter is not intended to prevent the use of systems,
31 methods, or devices of equivalent or superior quality, strength, fire
32 resistance, code effectiveness, durability, and safety to those
33 required by this chapter, provided that there is technical
34 documentation to demonstrate the equivalency of the system, method, or
35 device, as prescribed in this chapter and the rules adopted under this
36 chapter.

37 (3) In any suit for damages allegedly caused by a failure or
38 malfunction of the conveyance, conformity with the rules of the
39 department is prima facie evidence that the operation, erection,

1 installation, alteration, maintenance, inspection, and repair of the
2 conveyance is reasonably safe to persons and property.

3

4 **Sec. 3.** RCW 70.87.030 and 1998 c 137 s 2 are each amended to read
5 as follows:

6 The department shall adopt rules governing the mechanical and
7 electrical operation, erection, installation, alterations, inspection,
8 acceptance tests, and repair of conveyances that are necessary and
9 appropriate and shall also adopt minimum standards governing existing
10 installations. In the execution of this rule-making power and before
11 the adoption of rules, the department shall consider the rules for the
12 safe mechanical operation, erection, installation, alteration,
13 inspection, and repair of conveyances, including the American National
14 Standards Institute Safety Code for Personnel and Material Hoists, the
15 American Society of Mechanical Engineers Safety Code for Elevators,
16 Dumbwaiters, and Escalators, and any amendatory or supplemental
17 provisions thereto. The department by rule shall establish a schedule
18 of fees to pay the costs incurred by the department for the work
19 related to administration and enforcement of this chapter. Nothing in
20 this chapter limits the authority of the department to prescribe or
21 enforce general or special safety orders as provided by law.

22 The department may consult with: Engineering authorities and
23 organizations concerned with standard safety codes; rules and
24 regulations governing the operation, maintenance, servicing,
25 construction, alteration, installation, and/or inspection of elevators,
26 dumbwaiters, and escalators, etcetera; and the qualifications that are
27 adequate, reasonable, and necessary for the elevator mechanic,
28 contractor, and inspector.

29

30 **Sec. 4.** RCW 70.87.050 and 1983 c 123 s 5 are each amended to read
31 as follows:

32 The operation, erection, installation, alteration, maintenance,
33 inspection, and repair of any conveyance located in, or used in
34 connection with, any building owned by the state, a county, or a
35 political subdivision, other than those located within and owned by a
36 city having an elevator code, shall be under the jurisdiction of the
37 department.

38

39 **Sec. 5.** RCW 70.87.100 and 1983 c 123 s 11 are each amended to read

1 as follows:

2 (1) All new conveyance installations, relocations, or alterations
3 must be performed by a person, firm, or company to which a license to
4 install, relocate, or alter conveyances has been issued.

5 (2) The person or firm installing, relocating, or altering a
6 conveyance shall notify the department (~~in writing, at least seven~~
7 ~~days~~) before completion of the work, and shall subject the new, moved,
8 or altered portions of the conveyance to the acceptance tests.

9 ~~((+2))~~ (3) All new, altered, or relocated conveyances for which a
10 permit has been issued, shall be inspected for compliance with the
11 requirements of this chapter by an authorized representative of the
12 department. The authorized representative shall also witness the test
13 specified.

14

15 **Sec. 6.** RCW 70.87.125 and 1983 c 123 s 10 are each amended to read
16 as follows:

17 (1) A license issued under this chapter may be suspended, revoked,
18 or subject to civil penalty by the department upon verification that
19 any one or more of the following reasons exist:

20 (a) Any false statement as to a material matter in the application;

21 (b) Fraud, misrepresentation, or bribery in securing a license;

22 (c) Failure to notify the department and the owner or lessee of an
23 elevator or related mechanisms of any condition not in compliance with
24 this chapter; and

25 (d) A violation of any provisions of this chapter.

26 (2) The department may suspend or revoke a permit if:

27 (a) The permit was obtained through fraud or by error if, in the
28 absence of error, the department would not have issued the permit;

29 (b) The conveyance for which the permit was issued has not been
30 constructed, installed, maintained, or repaired in accordance with the
31 requirements of this chapter; or

32 (c) The conveyance has become unsafe.

33 ~~((+2))~~ (3) The department shall notify in writing the owner,
34 licensee, or person installing the conveyance, of its action and the
35 reason for the action. The department shall send the notice by
36 certified mail to the last known address of the owner or person. The
37 notice shall inform the owner or person that a hearing may be requested
38 pursuant to RCW 70.87.170.

39 ~~((+3))~~ (4)(a) If the department has suspended or revoked a permit

1 or license because of fraud or error, and a hearing is requested, the
2 suspension or revocation shall be stayed until the hearing is concluded
3 and a decision is issued.

4 (b) If the department has revoked or suspended a license because
5 the elevator personnel performing the work covered by this chapter is
6 working in a manner that does not effectively prevent injuries or
7 deaths or protect employees and the public from unsafe conditions as is
8 required by this chapter, the suspension or revocation is effective
9 immediately and shall not be stayed by a request for a hearing.

10 (c) If the department has revoked or suspended a permit because the
11 conveyance is unsafe or is not constructed, installed, maintained, or
12 repaired in accordance with this chapter, the suspension or revocation
13 is effective immediately and shall not be stayed by a request for a
14 hearing.

15 ~~((+4))~~ (5) The department must remove a suspension or reinstate a
16 revoked license if the licensee pays all the assessed civil penalties
17 and is able to demonstrate to the department that the licensee has met
18 all the qualifications established by this chapter.

19 (6) The department shall remove a suspension or reinstate a revoked
20 permit if a conveyance is repaired or modified to bring it into
21 compliance with this chapter.

22

23 **Sec. 7.** RCW 70.87.145 and 1983 c 123 s 15 are each amended to read
24 as follows:

25 (1) An authorized representative of the department may order the
26 owner or person operating a conveyance to discontinue the operation of
27 a conveyance, and may place a notice that states that the conveyance
28 may not be operated on a conspicuous place in the conveyance, if the
29 conveyance:

30 (a) Has not been constructed, installed, maintained, or repaired in
31 accordance with the requirements of this chapter; or

32 (b) Has otherwise become unsafe.

33 The order is effective immediately, and shall not be stayed by a
34 request for a hearing.

35 (2) The department shall prescribe a form for the order to
36 discontinue operation. The order shall specify why the conveyance
37 violates this chapter or is otherwise unsafe, and shall inform the
38 owner or operator that he or she may request a hearing pursuant to RCW
39 70.87.170. A request for a hearing does not stay the effect of the

1 order.

2 (3) The department shall rescind the order to discontinue operation
3 if the conveyance is fixed or modified to bring it into compliance with
4 this chapter.

5 (4) An owner or a person that knowingly operates or allows the
6 operation of a conveyance in contravention of an order to discontinue
7 operation, or removes a notice not to operate, is:

8 (a) Guilty of a misdemeanor; and

9 (b) Subject to a civil penalty under RCW 70.87.185.

10 (5) The department may conduct random on-site inspections and tests
11 on existing installations, witnessing periodic inspections and testing
12 in order to ensure satisfactory performance by licensed persons, firms,
13 or companies, and assist in development of public awareness programs.

14

15 **Sec. 8.** RCW 70.87.170 and 1983 c 123 s 16 are each amended to read
16 as follows:

17 (1) Any person aggrieved by an order or action of the department
18 denying, suspending, revoking, or refusing to renew a permit or
19 license; assessing a penalty for a violation of this chapter; or
20 ordering the operation of a conveyance to be discontinued, may request
21 a hearing within fifteen days after notice the department's order or
22 action is received. The date the hearing was requested shall be the
23 date the request for hearing was postmarked. The party requesting the
24 hearing must accompany the request with a certified or cashier's check
25 for two hundred dollars payable to the department. The department
26 shall refund the two hundred dollars if the party requesting the
27 hearing prevails at the hearing; otherwise, the department shall retain
28 the two hundred dollars.

29 If the department does not receive a timely request for hearing,
30 the department's order or action is final and may not be appealed.

31 (2) If the aggrieved party requests a hearing, the department shall
32 ask an administrative law judge to preside over the hearing. The
33 hearing shall be conducted in accordance with chapter 34.05 RCW.

34

35 **Sec. 9.** RCW 70.87.180 and 1983 c 123 s 17 are each amended to read
36 as follows:

37 (1) The construction, installation, relocation, alteration,
38 maintenance, or operation of a conveyance without a permit by any
39 person owning or having the custody, management, or operation thereof,

1 except as provided in RCW 70.87.080 and 70.87.090, is a misdemeanor.
2 Each day of violation is a separate offense. No prosecution may be
3 maintained where the issuance or renewal of a permit has been requested
4 but upon which no action has been taken by the department.

5 (2) The construction, installation, relocation, alteration,
6 maintenance, or operation of a conveyance without a license by any
7 person is a misdemeanor. Each day of violation is a separate offense.
8 No prosecution may be maintained where the issuance or renewal of a
9 license has been requested by an applicant but upon which no action has
10 been taken by the department.

11
12 NEW SECTION. Sec. 10. A new section is added to chapter 70.87 RCW
13 to read as follows:

14 No person shall erect, construct, wire, alter, replace, maintain,
15 remove, or dismantle any conveyance contained within a building or
16 structures within the jurisdiction of this state unless he or she has
17 an elevator mechanic license and the person is working under the direct
18 supervision of a person, firm, or company who has an elevator
19 contractors license pursuant to this chapter. A person, firm, or
20 company is not required to have an elevator contractors license for
21 removing or dismantling conveyances that are destroyed as a result of a
22 complete demolition of a secured building or structure or where the
23 building is demolished back to the basic support structure whereby no
24 access is permitted therein to endanger the safety and welfare of a
25 person.

26
27 NEW SECTION. Sec. 11. A new section is added to chapter 70.87 RCW
28 to read as follows:

29 The department may adopt the rules necessary to establish and
30 administer the elevator safety advisory committee. The purpose of the
31 advisory committee is to advise the department on the adoption of rules
32 that apply to conveyances; methods of enforcing and administering this
33 chapter; and matters of concern to the conveyance industry and to the
34 individual installers, owners, and users of conveyances. The advisory
35 committee consists of five persons appointed by the director of the
36 department or his or her designee with the advice of the chief elevator
37 inspector. The committee members shall serve four years.

38 The committee shall meet on the third Tuesday of February, May,
39 August, and November of each year, and at other times at the discretion

1 of the chief of the elevator section. The committee members shall
2 serve without per diem or travel expenses.

3 The chief elevator inspector shall be the secretary for the
4 advisory committee.

5
6 NEW SECTION. **Sec. 12.** A new section is added to chapter 70.87 RCW
7 to read as follows:

8 (1) Any person, firm, or company wishing to engage in the business
9 of installing, altering, servicing, replacing, or maintaining
10 elevators, dumbwaiters, escalators, or moving sidewalks within the
11 jurisdiction must make application for a license with the department on
12 a form provided by the department and be a registered general or
13 specialty contractor under chapter 18.27 RCW.

14 (2) Any person wishing to engage in installing, altering,
15 repairing, or servicing elevators, dumbwaiters, escalators, or moving
16 sidewalks within the jurisdiction must make application for a license
17 with the department on a form provided by the department.

18 (3) No elevator contractor license may be granted to any person or
19 firm who has not proven to possess the following qualifications:

20 (a) Five years' work experience in the elevator industry in
21 construction, maintenance, and service or repair, as verified by
22 current and previous elevator contractor licenses to do business; or

23 (b) Satisfactory completion of a written examination administered
24 by the department on this chapter and the rules adopted under this
25 chapter.

26 (4) No elevator mechanic license may be granted to any person who
27 has not proven to possess the following qualifications:

28 (a) An acceptable combination of documented experience and
29 education credits: Not less than three years' work experience in the
30 elevator industry, in construction, or maintenance and service or
31 repair, as verified by current and previous employers licensed to do
32 business in this state; and

33 (b) Satisfactory completion of a written examination administered
34 by the department on this chapter and the rules adopted under this
35 chapter.

36 (5) Any person who furnishes the department with acceptable proof
37 that he or she has worked as an elevator constructor, or as a
38 maintenance or repair person shall upon making application for a
39 license and paying the license fee is entitled to receive a license

1 without an examination. The person must have:

2 (a) Worked without direct and immediate supervision for an elevator
3 contractor licensed to do business in this state. This employment may
4 not be less than three years immediately before the effective date of
5 this act. The person must make application within one year of the
6 effective date of this act;

7 (b) Obtained a certificate of completion and successfully passed
8 the mechanic examination of a nationally recognized training program
9 for the elevator industry such as the national elevator industry
10 educational program or its equivalent; or

11 (c) Obtained a certificate of completion of an apprenticeship
12 program for an elevator mechanic, having standards substantially equal
13 to those of this chapter, and registered with the Washington state
14 apprenticeship and training council.

15 (6) A license must be issued to an individual holding a valid
16 license from a state having entered into a reciprocal agreement with
17 the department and having standards substantially equal to those of
18 this chapter, upon application and without examination.

19
20 NEW SECTION. **Sec. 13.** A new section is added to chapter 70.87 RCW
21 to read as follows:

22 (1) Upon approval of an application, the department may issue a
23 license that is biannually renewable. The fee for the license and for
24 any renewal shall be set by the department in rule.

25 (2) The department may issue temporary elevator mechanic licenses.
26 These temporary elevator mechanic licenses will be issued to those
27 certified as qualified and competent by licensed elevator contractors.
28 The company shall furnish proof of competency as the department may
29 require. Each license must recite that it is valid for a period of
30 thirty days from the date of issuance and for such particular elevators
31 or geographical areas as the department may designate, and otherwise
32 entitles the licensee to the rights and privileges of an elevator
33 mechanic license issued in this chapter. A temporary elevator mechanic
34 license must be renewed by the department and a fee as established in
35 rule must be charged for any temporary elevator mechanic license or
36 renewal.

37 (3) The renewal of all licenses granted under this section is
38 conditioned upon the submission of a certificate of completion of a
39 course designed to ensure the continuing education of licensees on new

1 and existing rules of the department. The course must consist of not
2 less than eight hours of instruction that must be attended and
3 completed within one year immediately preceding any license renewal.

4 (4) The courses must be taught by instructors through continuing
5 education providers that may include, but are not limited to,
6 association seminars and labor training programs. The department must
7 approve the continuing education providers. All instructors must be
8 approved by the department and are exempt from the requirements of
9 subsection (3) of this section with regard to his or her application
10 for license renewal, provided that such applicant was qualified as an
11 instructor at any time during the one year immediately preceding the
12 scheduled date for such renewal.

13 (5) A licensee who is unable to complete the continuing education
14 course required under this section before the expiration of his or her
15 license due to a temporary disability may apply for a waiver from the
16 department. This will be on a form provided by the department and
17 signed under the pains and penalties of perjury and accompanied by a
18 certified statement from a competent physician attesting to the
19 temporary disability. Upon the termination of the temporary
20 disability, the licensee must submit to the department a certified
21 statement from the same physician, if practicable, attesting to the
22 termination of the temporary disability. At which time a waiver
23 sticker, valid for ninety days, must be issued to the licensee and
24 affixed to his or her license.

25 (6) Approved training providers must keep uniform records, for a
26 period of ten years, of attendance of licensees and must be available
27 for inspection by the department at its request. Approved training
28 providers are responsible for the security of all attendance records
29 and certificates of completion. However, falsifying or knowingly
30 allowing another to falsify attendance records or certificates of
31 completion constitutes grounds for suspension or revocation of the
32 approval required under this section.

33
34 NEW SECTION. **Sec. 14.** A new section is added to chapter 70.87 RCW
35 to read as follows:

1 This chapter cannot be construed to relieve or lessen the
2 responsibility or liability of any person, firm, or corporation owning,
3 operating, controlling, maintaining, erecting, constructing,
4 installing, altering, inspecting, testing, or repairing any elevator or
5 other related mechanisms covered by this chapter for damages to person
6 or property caused by any defect therein, nor does the state assume any
7 such liability or responsibility therefore or any liability to any
8 person for whatever reason whatsoever by the adoption of this chapter
9 or any acts or omissions arising hereunder.

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